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10/602,777	06/25/2003	Scott A. Moskowitz	80391.0003	2233

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MIAMI, FL 33160

EXAMINER
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LASHLEY, LAUREL L

ART UNIT	PAPER NUMBER
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2132

MAIL DATE	DELIVERY MODE
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01/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/602,777

**Applicant(s)**

MOSKOWITZ, SCOTT A.

**Examiner**

Laurel Lashley

**Art Unit**

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 October 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-21, 30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-21, 30 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment and supplemental amendment filed 08/31/2007 and 10/22/2007 respectively have been accepted and entered. Claims 6-21 and 30-31 are still pending and have been examined.

### ***Information Disclosure Statement***

2. The Examiner thanks the Applicant for providing a legible copy of each cited foreign patent document as requested in the previous Office Action mailed 05/31/2007; however the information disclosure statement filed 02/06/2007 still fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each non-patent literature publication (specifically "Caronni, Germano: Assuring Ownership...") or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Objections***

3. Claim 21 is objected to because of the following informalities: The claim recites: "...is authenticated to authenticate message information". The Examiner believes this to be an error and the claim has been examined as --a message to be authenticated--. Appropriate correction is required.

### ***Response to Arguments***

4. Applicant's arguments, see pages 10 - 15 with regard to Allen, Auerbach et al. and Blakley et al. neither disclosing a digital signal, predetermined key, file format and mask set limitations, filed 08/31/2007, with respect to the rejection(s) of claim(s) 6 - 21 and 30-31 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been

withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view newly found prior art.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 6-7, 9, 10,12, and 30-31 rejected under 35 U.S.C. 102(b) as being anticipated by Bond et al. in US Patent No. 4390898 (hereinafter "Bond").

6. As for Claim 6, Bond discloses:

A method for protecting a digital signal, comprising the steps of: (see Abstract)

providing a digital signal comprising digital data and a file format information defining how the digital signal is encoded; (see Abstract: video signal)

creating a predetermined key that manipulates digital signal (see Abstract: information encoded using encryption key); and

manipulating the digital signal using the predetermined key (see column 2, lines 57-59: encode information...; Figure 1: scrambler) to generate at least one permutation of the digital signal parameterized by the file format information defining how the digital signal is encoded (see column 8, lines 54-58).

For claim 7, Bond discloses:

The method of claim 6, wherein the digital signal represents a continuous analog waveform (see column 5, lines 36-38).

For claim 9, Bond teaches:

The method of claim 6, wherein the digital signal is a message to be authenticated. (see column 2, lines 20-25: pay TV...video quality associated with payment)

For claim 10, Bond teaches:

The method of claim 6, wherein the predetermined key comprises a key pair comprising a public key and a private key. (see Abstract: encryption key for encoding...decoding)

For claim 12, Bond teaches:

The method of claim 6, wherein the digital signal represents a still image, audio or video. (see Abstract: video signal)

For claim 30, Bond teaches:

A method for protecting digital data, where the digital data signal is organized into a plurality of frames, each frame having i) a header comprising file format information and ii) at least a portion of the digital data, said method comprising the steps of: (see Abstract: video signal)

creating a predetermined key to manipulate the file format information in one or more of the plurality of frames wherein the file format information defines how the digital data is encoded (see Abstract; Figure 1; column 2, lines 57-59: encode/scramble information); and

manipulating the file format information using the predetermined key in at least two of the plurality of frames wherein the file format information defines how the digital data is encoded (see column 8, lines 54-58), such that the digital data will be perceived by a human as noticeably altered if it is played without using a decode key to restore the file format information to a prior state. (see column 2, lines 42-45: ...vertically unsynchronized and unwatchable...)

For claim 31, Bond teaches:

The method of claim 30, wherein the predetermined key comprises a private key that is associated with a key pair. (see Abstract: encryption key to encode...decoding later disclosed)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8, 11 and 13-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bond and further in view of admitted prior art Stringer et al. in US Patent No. 5341429 (hereinafter Stringer).

For claim 8, Bond teaches the method of claim 6, but does not expressly disclose wherein the predetermined key comprises a plurality of mask sets.

Stringer however does disclose wherein the predetermined key comprises a plurality of mask sets. (see column 4, lines 10-14: interfering material...mask...; column 9, lines 18-20)

Bond and Stringer are analogous art because they are from the same problem solving area (controlling access to digital data). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the digital data (video signal) as in Bond such that it would incorporate mask sets as in Stringer. The motivation for doing so would have been to improve the security and authenticity of the digital data.

For claim 11, Bond teaches the method of claim 6 but does not expressly disclose using a digital watermarking technique to encode information that identifies ownership, use, or other information about the digital signal, into the digital signal.

Stringer however does disclose using a digital watermarking technique to encode information that identifies ownership, use, or other information about the digital signal, into the digital signal. (see column 7, lines 48-51: include watermark in denatured (encoded) material...)

Bond and Stringer are analogous art because they are from the same problem solving area (controlling access to digital data). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the digital data (video signal) as in Bond such that it would incorporate a digital watermarking technique as in Stringer. The motivation for doing so would have been to improve the security and authenticity of the digital data.

For claim 13, Bond teaches the method of claim 6, but does not expressly disclose wherein the predetermined key comprises one or more mask sets having random or pseudo-random series of bits, the method further comprising the steps of:

validating the one or more mask sets before manipulating the digital signal using the predetermined key.

Stringer however does disclose wherein the predetermined key comprises one or more mask sets having random or pseudo-random series of bits, the method further comprising the steps of (see column 4, lines 10-14: masks...;column 9, lines: 18-20:DES)

validating the one or more mask sets before manipulating the digital signal using the predetermined key (see column 10, line 25-28).

Bond and Stringer are analogous art because they are from the same problem solving area (controlling access to digital data). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the digital data (video signal) as in Bond such that it would incorporate mask sets as in Stringer. The motivation for doing so would have been to improve the security and authenticity of the digital data.

For claim 14, Bond teaches the method of claim 6, but does not expressly disclose wherein the predetermined key comprises one or more mask sets having random or pseudo-random series of bits, the method further comprising the steps of:

validating the one or more mask sets after manipulating the digital signal using the predetermined key.

Stringer however does disclose wherein the predetermined key comprises one or more mask sets having random or pseudo-random series of bits, the method further comprising the steps of (see column 4, lines 10-14; column 9, lines: 18-20)

validating the one or more mask sets before manipulating the digital signal using the predetermined key (see column 10, line 30-31).

Bond and Stringer are analogous art because they are from the same problem solving area (controlling access to digital data). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the digital data (video signal) as in Bond such that it would incorporate mask sets as in Stringer. The motivation for doing so would have been to improve the security and authenticity of the digital data.

For claim 15, Bond teaches the method of claim 6, but does not expressly disclose wherein the predetermined key comprises one or more mask sets having random or pseudo-random series of bits, the method further comprising the steps of:

generating a hash value using the one or more masks sets; and

authenticating the one or more mask sets by comparing the generated hash value with a hash value.

Stringer however does disclose wherein the predetermined key comprises one or more mask sets having random or pseudo-random series of bits, the method further comprising the steps of (see column 4, lines 10-14; column 9, lines: 18-20):

generating a hash value using the one or more masks sets; and

authenticating the one or more mask sets by comparing the generated hash value with a hash value. (see column 9, lines 18-22; column 10, lines 26-27)



Bond and Stringer are analogous art because they are from the same problem solving area (controlling access to digital data). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the digital data (video signal) in Bond such that it would incorporate a hash value as in Stringer. The motivation for doing so would have been to improve the security and authenticity of the digital data.

For claim 16 Bond teaches the method of claim 13 but does not expressly disclose generating a digital signature using the one or more mask sets; and

comparing the digital signature with a predetermined digital signature.

Stringer however does disclose generating a digital signature using the one or more mask sets (see Figure 1: Try and Buy: adaptable to e-transaction; column 4, lines 10-14); and

comparing the digital signature with a predetermined digital signature (see column 10, lines 11- 17).

Bond and Stringer are analogous art because they are from the same problem solving area (controlling access to digital data). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the digital data (video signal) in Bond such that it would incorporate a digital signature as in Stringer. The motivation for doing so would have been to improve the security and authenticity of the digital data.

For claim 17 Bond teaches the method of claim 6 but does not expressly disclose wherein the predetermined key comprises one or more mask sets having random or pseudo-random series of bits, the method further comprising the steps of:

authenticating the one or more mask sets by comparing a generated digital signature with a predetermined digital signature.

Stinger however does disclose wherein the predetermined key comprises one or more mask sets having random or pseudo-random series of bits, the method further comprising the steps of (see column 4, lines 10-14):

authenticating the one or more mask sets by comparing a generated digital signature with a predetermined digital signature (see column 10, lines 10-20).

Bond and Stringer are analogous art because they are from the same problem solving area (controlling access to digital data). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the digital data (video signal) in Bond such that it would incorporate a digital signature as in Stringer. The motivation for doing so would have been to improve the security and authenticity of the digital data.

For claim 18, Bond teaches the method of claim 13, but does not expressly disclose using a digital watermarking technique to embed information that identifies ownership, use, or other information about the digital signal, into the digital signal; and

wherein said step of validating is dependent on validation of the embedded information.

Stringer however discloses using a digital watermarking technique to embed information that identifies ownership, use, or other information about the digital signal, into the digital signal; (see column 7, lines 48-51 and

wherein said step of validating is dependent on validation of the embedded information (see column 7, line 52-57).

Bond and Stringer are analogous art because they are from the same problem solving area (controlling access to digital data). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the digital data (video signal) as in Bond such that it would incorporate a digital watermarking technique as in Stringer. The motivation for doing so would have been to improve the security and authenticity of the digital data.

For claim 19, Bond teaches the method of claim 6, but does not expressly disclose computing a secure way hash function data in the digital signal, wherein the secure one way hash function is insensitive to changes introduced into the digital signal during the step of digital signal manipulation.

Stringer however discloses computing a secure way hash function data in the digital signal, wherein the secure one way hash function is insensitive to changes introduced into the digital signal during the step of digital signal manipulation. (see column9, lines 18-22; column 10, lines 26-27: checksum operation...).

Bond and Stringer are analogous art because they are from the same problem solving area (controlling access to digital data). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the digital data (video signal) in Bond such that it would incorporate a secure one way hash function of data in the digital signal as in Stringer. The motivation for doing so would have been to improve the security and authenticity of the digital data.

For claim 20, Bond teaches:

A method for protecting a digital signal, comprising the steps of: (see Abstract)

providing a digital signal comprising digital data and file format information describing how the digital signal is encoded; ((see Abstract: video signal)

creating a predetermined key {comprising a mask set} (see Abstract: information encoded using encryption key);

manipulating the file format information using the predetermined key (see column 2, lines 57-59: encode information...;Figure 1: scrambler) wherein the manipulation is parameterized by the file format information describing how the digital signal is encoded (see column 8, lines 54-58);

authenticating the predetermined key during playback of the digital data (see Abstract: unscramble...decode.); and

metering the playback of the digital data to monitor content (see column 5, lines 4-5) but does not expressly disclose the predetermined key comprising a mask set.

Stringer however discloses the predetermined key comprising a mask set (see column 4, lines 10-14; column 9, lines 18-20).

Bond and Stringer are analogous art because they are from the same problem solving area (controlling access to digital data). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the digital data (video signal) as in Bond such that it would incorporate mask sets as in Stringer. The motivation for doing so would have been to improve the security and authenticity of the digital data.

For claim 21, Bond teaches:

The method of claim 20, wherein the predetermined key is authenticated to authenticate message information. (see column 2, lines 20-25)

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wang et al in US Patent No. 5471533 discloses a record with encoded data.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel Lashley whose telephone number is 571-272-0693. The examiner can normally be reached on Monday - Thursday, alt Fridays btw 7:30 am & 5 pm.

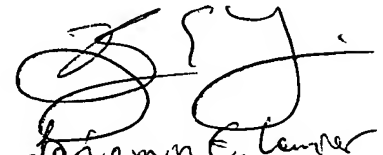
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, Jr. can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Laurel Lashley  
Examiner  
Art Unit 2132  
06 January 2008  
LL

  
Benjamin E. Lerner  
Primary Examiner  
Art 2132